

RESOLUTION NO. 4375

AUTHORIZING AND DIRECTING CONDEMNATION
OF REAL PROPERTY FOR STREET RIGHT OF WAY

BE IT RESOLVED by the Council of the City of Lodi as follows:

The Council of the City of Lodi finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to-wit: street and public utility right of way on and across certain real property located on the north side of Turner Road between Church Street and Sacramento Street in the City of Lodi, County of San Joaquin, State of California.
2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.
3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
4. That the City of Lodi acquire the hereinafter described real property for street and public utility right of way, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a fee simple estate in and to the said hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, Government Code Section 37350.5, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situated in the County of San Joaquin, State of California, and is more particularly described as follows:

Portion of the southwest quarter of Section 36, Township 4 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, described as follows:

Commencing at the intersection of the south line of said Section 36, with the westerly line of the Southern Pacific 100' right of way and run west along said south line, 750.00 feet; thence north at right angles 495.00 feet; thence west 60.00 feet to the true point of beginning; thence continue west 145.00 feet; thence south 60.00 feet; thence north 67° 31' 15" east, 156.92 feet to the point of beginning.

DATED: July 20, 1977.

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held July 20, 1977, by the following vote:

AYES: Councilmen - Ehrhardt, Hughes, Katzakian, Pinkerton and Katnich

NOES: Councilmen - None

ABSENT: Councilmen - None

Alice M. Reimche
ALICE M. REIMCHE, City Clerk

The foregoing document is
certified to be a correct
copy of the original on
file in this office.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk, City of Lodi

Dated: July 20, 1977